

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

TYLA D.,

Plaintiff

v.

MGM RESORTS INTERNATIONAL, et al.,

Defendants

Case No.: 2:24-cv-00698-APG-BNW

**Order Denying as Moot Defendant  
Venetian Las Vegas Gaming LLC's Motion  
to Dismiss and Granting Plaintiff's  
Voluntary Dismissal**

[ECF No. 45]

Plaintiff T.D. sues several Las Vegas resorts alleging that they benefitted from her being sex trafficked at their casinos. T.D. brings claims under the Trafficking Victims Protection Reauthorization Act (TVPPRA) and the Child Abuse Victims' Rights Act (CAVRA), as well as claims under Nevada law for victims of human trafficking and intentional infliction of emotional distress (IIED).

Defendant Venetian Las Vegas Gaming, LLC, which operated the Venetian Casino, moves to dismiss all of the claims against it. In response, T.D. concedes that I should dismiss her claims against Venetian Gaming with prejudice except her IIED claim, which she requests I dismiss without prejudice. ECF No. 53 at 1. Venetian Gaming replies that the IIED claim should be dismissed with prejudice. ECF No. 54 at 2.

A plaintiff may voluntarily dismiss an action by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." Fed. R. Civ. P. 41(a)(1)(A)(i). Unless the parties stipulate otherwise, the dismissal is without prejudice. Fed R. Civ. P. 41(a)(1)(B). I interpret T.D.'s response as a notice of dismissal and the parties agree that all of her claims except her IIED claim should be dismissed with prejudice. Although Venetian Gaming argues that bringing her IIED claim in state court would be futile because it is time-

1 barred, T.D. asserts that she can overcome the time limitation under Nevada law, and she is free  
2 to voluntarily dismiss her claim without prejudice because Venetian Gaming has not filed an  
3 answer or motion for summary judgment.

4 I THEREFORE ORDER that Venetian Las Vegas Gaming, LLC's motion to dismiss  
5 (ECF No. 45) is **DENIED as moot**.

6 I FURTHER ORDER that all of plaintiff T.D.'s claims against Venetian Las Vegas  
7 Gaming, LLC, except her IIED claim, are voluntary dismissed with prejudice. I dismiss her  
8 IIED claim without prejudice.

9 DATED this 19th day of November, 2024.

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12 ANDREW P. GORDON  
13 CHIEF UNITED STATES DISTRICT JUDGE  
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